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Plaintiff in Pro Per

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**Arjun Vasan,**  
Plaintiff,  
vs.  
**Checkmate.com, Inc.,**  
(dba "Checkmate"),  
Defendant.

Case No.: 2:25-cv-00765-MEMF-JPR

**PLAINTIFF'S REQUEST FOR  
JUDICIAL NOTICE THAT LEGAL  
REPRESENTATION  
NECESSARILY ENTAILS  
ATTORNEY-CLIENT PRIVILEGE,  
CONFIDENTIALITY AND  
CONTINUED ACCESS TO  
COUNSEL**

**TO THE HONORABLE COURT:**

Plaintiff respectfully requests, under Fed. R. Evid. 201, that the Court take judicial notice of the following authorities, each of which is contained in publicly available statutes, rules, or published opinions whose accuracy cannot reasonably be questioned. Collectively they state the longstanding rule that genuine individual legal representation necessarily entails (1)

1 confidentiality and privilege, (2) counsel's duty of undivided loyalty, and (3) the client's  
2 continuing right of access to competent advice.

### 3 I. INTRODUCTION

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5 Defendant contends that Plaintiff was "in fact individually represented" by attorneys  
6 Alan Foster and Pietari Grohn during negotiation of the operative Merger Agreement, thereby  
7 seeking refuge in Labor Code § 925(e). Yet the record shows Mr. Foster withdrew four days  
8 before closing under expressed ethical duress; and both he and his replacement Mr. Grohn  
9 represented VoiceBite as a corporate entity, not Plaintiff as an individual.

10 Moreover, after closing, Checkmate has asserted full ownership of VoiceBite's legal  
11 relationships, including privilege and work product. (ECF 27)

12 Plaintiff thereafter had no privileged communications, no post-closing access to counsel,  
13 and no loyalty independent of Checkmate's interests. Judicial notice of controlling legal  
14 authorities governing the attorney-client relationship will assist the Court in evaluating the  
15 factual adequacy of Defendant's assertion.

### 16 II. LEGAL STANDARD

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18 Under Federal Rule of Evidence 201(b)(2), a court may judicially notice a fact or  
19 authority that "can be accurately and readily determined from sources whose accuracy cannot  
20 reasonably be questioned," including statutes, published rules of professional conduct, and  
21 reported judicial opinions. Courts routinely notice such legal authorities. See, e.g., *United States*  
22 *v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980).

### 23 III. AUTHORITIES SUBJECT TO NOTICE

- 24  
25 1. **Attorney-Client Privilege as a Foundational Principle.** "The attorney-client privilege  
26 is the oldest of the privileges for confidential communications known to the common law  
27 and its purpose is to encourage full and frank communication between attorneys and their  
28 clients." *Upjohn Co. v. United States*, 449 U.S. 383, 389-90 (1981).

2. **California Supreme Court on Confidentiality and Loyalty.** “Protecting the confidentiality of communications between attorney and client is fundamental to our legal system... The fiduciary relationship requires undivided loyalty and allegiance.” *People ex rel. Dept. of Corps. v. Speedee Oil Changes Sys.*, 20 Cal.4th 1135, 1145-46 (1999).
3. **California Rules of Professional Conduct.** • Rule 1.6(a)-(c): A lawyer “shall not reveal information protected by Business and Professions Code § 6068(e)(1) unless the client gives informed consent...” • Rule 1.7(a): A lawyer shall not represent a client if the representation is directly adverse to another client or materially limited by responsibilities to another client, absent informed written consent.
4. **Restatement (Third) of the Law Governing Lawyers § 68 & § 16.** The attorney-client relationship imposes duties of confidentiality, loyalty, and reasonable communication.
5. **California Evidence Code § 950 et seq.** Defines the privilege protecting attorney-client communications.

These authorities are publicly available, accurately printed in official reporters or statutory compilations, and not subject to reasonable dispute.

#### **IV. APPLICATION TO THIS CASE**

Defendant’s reliance on a supposed “individual representation” collapses when measured against the governing legal standard, as Checkmate, through K&L Gates, has explicitly claimed ownership of the privilege, work product and relationships of Mr. Grohn and Mr. Foster, former *VoiceBite* corporate counsel. See Letter from K&L Gates General Counsel (ECF 27, Exhibit G) and email from Ryan Keech re Pietari Grohn (ECF 27, Exhibit Q).

1. **Absence of Privileged Communications.** Checkmate, through K&L Gates attorneys and General Counsel have claimed ownership of all privilege and work product of former *VoiceBite* counsel. If privilege can be lost, privilege never existed.

